

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

ORLY GINGER,

Debtor.

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CHAPTER 7

CASE NO. 19-10926-TMD

**MOTION FOR EXPEDITED CONSIDERATION OF CREDITOR ARIE GINGER'S
EXPEDITED MOTION FOR PROTECTIVE ORDER [ECF NO. 76]**

TO THE HONORABLE U.S. BANKRUPTCY JUDGE TONY M. DAVIS:

Creditor Arie Genger ("Arie") files this motion for expedited consideration (the "Motion to Expedite") of *Creditor Arie Genger's Expedited Motion for Protective Order* (the "Motion for Protective Order") [ECF No. 76], requesting the entry of an order substantially in the form attached hereto as **Exhibit A**. In support of the Motion to Expedite, Arie respectfully represents to the Court as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
2. Venue is proper in this District pursuant to 28 U.S.C. § 1408.

RELIEF REQUESTED

3. Arie requests that the Court conduct a hearing on the Motion for Protective Order at the upcoming hearing on October 23, 2019, at 2:00 p.m. Central or as soon as the Court's schedule allows thereafter.

4. As described more thoroughly in the Motion for Protective Order, Arie seeks entry of a protective order to protect against Creditor Sagi Genger's repeated attempts at discovering confidential commercial information that has no relevancy to the above-captioned bankruptcy case

(the “Case”). Absent a protective order in the Case, Sagi Genger will continue to harass Arie by propounding ever-expanding discovery. The undersigned counsel contacted counsel for Sagi Genger, attempting to resolve or at least limit Sagi Genger’s discovery requests to Arie. No agreement was reached; thus, Arie seeks a protective order and resolution of this Court.

REQUEST FOR HEARING

5. Arie requests that the Court conduct a hearing on the Motion for Protective Order on an expedited basis at the upcoming October 23, 2019 hearing or as soon as the Court’s schedule allows thereafter. Arie anticipates the time announcement to be thirty (30) to forty-five (45) minutes if no objections are filed. Arie believes that the relief requested in the Motion for Protective Order is reasonable. The United States Trustee agrees to the expedited setting. Counsel for Sagi Genger has not indicated whether he opposes the relief requested herein.

NOTICE

6. This Motion is being served on the parties receiving notifications in the Case through the Court’s electronic case filing system, via email on Shane Tobin, counsel for the United States Trustee, and via email and facsimile on John Dellaportas, counsel for Sagi Genger. Because the Court can shorten notice on periods on an *ex parte* basis, Arie respectfully submits that no further notice of this Motion to Expedite is required.

WHEREFORE, Arie respectfully requests that this Court enter an order in the proposed form attached hereto as **Exhibit A**, setting the Motion for Protective Order for hearing on October 23, 2019, at 2:00 p.m. Central or as soon as the Court’s schedule allows thereafter, and granting such other and further relief as it deems just and proper.

Dated: October 7, 2019

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: /s/ Deborah D. Williamson

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ATTORNEYS FOR ARIE GENDER

CERTIFICATE OF CONFERENCE

I certify that counsel for Arie Genger conferred with John Dellaportas on behalf of Sagi Genger regarding this Motion to Expedite on October 7, 2019, and with Shane Tobin on behalf of the Office of the United States Trustee for the Western District of Texas regarding this Motion to Expedite on October 7, 2019. The United States Trustee does not oppose the relief requested herein; however, Mr. Dellaportas has not indicated whether he opposes the relief requested herein.

/s/ Deborah D. Williamson
Deborah D. Williamson

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2019, a true and correct copy of the foregoing document was served by electronic notification by the Electronic Case Filing system for the United States Bankruptcy Court for the Western District of Texas and to the following:

Mr. John Dellaportas
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120 Broadway, 32nd Floor
New York, New York 10271
jdellaportas@emmetmarvin.com
Facsimile: (212) 238-3100

Via Email and Fax

Shane Tobin
Office of the U.S. Trustee for the Western District of Texas
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903 San Jacinto Boulevard, Room 230
Austin, Texas 78701
Shane.P.Tobin@usdoj.gov

Via Email

/s/ Danielle N. Rushing
Danielle N. Rushing

Exhibit A

**IN THE UNITED STATES BANKRUPTCY COURT
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IN RE:

ORLY GINGER,

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CHAPTER 7

CASE NO. 19-10926-TMD

**ORDER GRANTING MOTION FOR EXPEDITED CONSIDERATION OF CREDITOR
ARIE GINGER'S EXPEDITED MOTION FOR PROTECTIVE ORDER [ECF NO. 76]**

Came on to be considered *Motion for Expedited Consideration of Creditor Arie Genger's Expedited Motion for Protective Order* (the "Motion to Expedite"). The Court finds that good cause has been shown and that the Motion to Expedite should be **GRANTED**.

IT IS, THEREFORE, ORDERED that a hearing on the Motion to Expedite is scheduled as stated herein.

IT IS SO ORDERED.

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Prepared and submitted by:

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